

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARRY RICHARDS, et al.,

Plaintiffs,

v.

UNITED DOMINION REALTY TRUST,
INC., et al.,

Defendants.

Case No. 19-cv-08100-SI

**ORDER DENYING REQUEST FOR
TEMPORARY RESTRAINING ORDER**

Re: Dkt. No. 2

On December 11, 2019, *pro se* plaintiffs Larry Richards and Fantasia Brown filed a complaint and motion for a temporary restraining order (“TRO”) and order to show cause why a preliminary injunction not issue against (1) United Dominion Realty Trust, Inc. d/b/a UDR Towers By The Bay, LLC, (2) Dr. Benjamin Solomon Carson Sr. in his capacity as Secretary of the United States Department of Housing and Urban Development (“HUD”), (3) Wayne Sauseda, in his capacity as HUD Deputy Regional Administrator, (4) Barbara Smith, in her capacity as Acting Executive Director of the San Francisco Housing Authority, (5) Sarah Ramler, in her capacity as Director of Leased Housing, (6) San Francisco Mayor London Breed in her official capacity, and (7) various other individual defendants. Dkt. Nos. 1 (“Complaint”) and 2 (“TRO App”). In their request for a TRO, plaintiffs ask that “this Honorable Court take immediate jurisdiction over San Francisco Superior Court case number CUD-18-662405,” a pending unlawful detainer action. TRO App at 1.

Federal courts are courts of limited jurisdiction and are presumptively without jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Federal courts have original jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United

1 States,” 28 U.S.C. § 1331, and over “all civil actions where the matter in controversy exceeds the
2 sum or value of \$75,000 . . . and is between citizens of different states,” 28 U.S.C. § 1332(a).

3 Both Mr. Richards and Ms. Brown reside in San Francisco, California and do not assert
4 diversity jurisdiction. Complaint at 32. Rather, plaintiffs assert jurisdiction is proper “pursuant to
5 §§ 1343(3) and 1331 and 2201, 28 U.S.C. § 1346(e), and 5 U.S.C. § 7[.]” *Id.* In their *ex parte*
6 motion, plaintiffs request this Court take jurisdiction of San Francisco Court Case CUD-18-662405,
7 an unlawful detainer action. TRO App at 10. However, the United States Code sections plaintiffs
8 cite do not confer federal question subject matter jurisdiction over unlawful detainer actions – nor
9 is the Court aware of any independent basis for jurisdiction over this matter. As such, this Court
10 cannot grant plaintiffs’ requested relief and therefore DENIES the *ex parte* motion and application
11 for a temporary restraining order.

12
13 **IT IS SO ORDERED.**

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15 Dated: December 12, 2019



SUSAN ILLSTON
United States District Judge